

In accord with 37 C.F.R. § 1.121, this amendment to the claims and a complete listing of all claims in the application begin on a separate sheet to facilitate separate indexing and electronic scanning of the amendment for placement in an e-file wrapper. The amendment adds no new matter into the application. For the convenience of the Office staff, the amendment is placed in the below Appendix and incorporated herein by reference thereto.

Product Claims 1-10 and 19-22 are under examination while the withdrawn method Claims 11-18 are retained for the purposes of rejoinder practice. Applicant respectfully requests rejoinder of these method claims when the product claims are allowed. To make rejoinder possible, the claims drawn to the non-elected invention are being amended to require all of the limitations of the elected invention recited in product Claim 1, as amended.

The Examiner rejects Claims 1-10 and 19-21 under 35 U.S.C. § 112, second paragraph, asserting that the claims are indefinite for reasons provided on pages 2 and 3 of the final Office action of November 29, 2005. Although Applicant respectfully disagrees with the merits of the rejection, the claims have been amended for the better readability thereof to advance prosecution towards an allowance.

In particular, Applicant has amended the claims to recite the novel characteristic of the monoclonal antibody of the present invention in which the antibody specifically reacts with or recognizes inactivated FIV or inactivated FIV glycoprotein but does not react with or recognize live FIV or live FIV glycoprotein. This amendment revises the claim language based on the teachings in the specification. Direct support for the amendment is found on page 3, lines 25-29; page 4, lines 24-28; and page 10, lines 1-28 of the specification. Thus, the amendment introduces no new matter into the application.

Consistent with the guidelines of M.P.E.P. § 2173.05(i) and the current view of the courts, the negative limitation in the pending claims is acceptable because the boundaries of the patent protection sought are recited definitely, albeit negatively, and the negative limitation has solid basis in the original disclosure. Without any doubt, the claims comply with the requirements of 35 U.S.C. § 112, first and second paragraphs.

In view of the amendment and the foregoing comments, Applicant respectfully requests that the rejection of Claims 1-10 and 19-21 under 35 U.S.C. § 112, second paragraph, be withdrawn; Claims 11-18 be rejoined; and the complete application be allowed.

It is noticed that the Examiner previously deemed Claim 22 allowable but did not confirm the allowed status of the claim in item 7 of Form PTOL-303. Clarification of the record is respectfully requested.

Accordingly, Applicant believes that this application is now in condition for an allowance. Such favorable treatment is respectfully urged.

Respectfully submitted,

WYETH

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By: Anne M. Rosenblum
Anne M. Rosenblum
Attorney for Applicant
Registration No. 30,419

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Anne M. Rosenblum
Anne M. Rosenblum